

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

JOHN HAYDEN,

Plaintiff,

- against -

**STIPULATION AND  
ORDER OF VOLUNTARY  
DISMISSAL OF CERTAIN  
CLAIMS**

THE CITY OF NEW YORK; PATRICK CAHILL;  
MARYANN CONNOLLY; IAN ROTH; and  
JOHN/JANE DOES, Nos. 1-10 (the names John and Jane  
Doe being fictitious, as the true names are presently  
unknown to plaintiff),

16 Civ. 115 (RRM) (SLT)

Defendants.

X

**WHEREAS**, Plaintiff commenced this action by filing a complaint on or about January 11, 2016, alleging that Defendants violated Plaintiff's federal and state law civil rights; and

**WHEREAS**, Plaintiff seeks to voluntarily dismiss the federal claims and certain state law claims against Defendant City of New York with prejudice;

**WHEREAS**, Plaintiff seeks to voluntarily dismiss the Seventh (Negligent Screening, Hiring, and Retention) and Eighth (Negligent Training and Supervision) Claims for Relief with prejudice;

**WHEREAS**, Plaintiff also seeks to voluntarily dismiss all claims against Defendant MaryAnn Connolly with prejudice; and

**WHEREAS**, Plaintiff has authorized his counsel to agree to the terms set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, any and all of the federal claims and rights of action and certain state law claims (Negligent Screening, Hiring, and Retention and Negligent Training and Supervision) arising out of the facts and circumstances that are the subject of this action and that were asserted on behalf of Plaintiff John Hayden against Defendant City of New York, its successors and assigns, are hereby dismissed and discontinued, with prejudice, and without attorney's fees, costs or disbursements to any party.

2. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, any and all of the federal and state law claims and rights of action arising out of the facts and circumstances that are the subject of this action and that were asserted on behalf of Plaintiff John Hayden against Maryann Connolly, her successors and assigns, are hereby dismissed and discontinued, with prejudice, and without attorney's fees, costs or disbursements to any party.

3. This Stipulation contains all the terms and conditions agreed upon by counsel for Defendants and counsel for Plaintiff hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

4. This Stipulation shall be binding upon the parties immediately upon signature and shall be submitted to the Court for entry as an Order.

Dated: New York, New York  
October 18, 2017

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By: Robert T. Perry  
Robert T. Perry, Esq.

By: Pernell M. Telfort  
Pernell M. Telfort  
*Assistant Corporation Counsel*

SO ORDERED:

\_\_\_\_\_  
HON. ROSLYNN R. MAUSKOPF  
UNITED STATES DISTRICT JUDGE

Dated: \_\_\_\_\_, 2017